THE MADRAS TOWNS NUISANCES ACT, 1889.

TABLE OF CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title and local extent.
2. [REPEALED.]
3. Penalty for certain offences in public places.
   (1) Rash or negligent driving.
   (2) Causing obstruction by negligence in driving cattle.
   (3) Driving, etc., otherwise than on near or left side of the road.
   (4) Leaving vehicle or cattle without due control.
   (5) Obstructing thoroughfare.
   (6) Exposing goods so as to cause obstruction.
   (7) Letting loose horses or ferocious dogs.
   (8) [Repealed.]
   (9) Depositing rubbish, stones, etc.
   (10) Unauthorised use of sound amplifiers in public places.
   (11) Committing nuisances in streets.
   (12) Drunken or riotous or indecent behaviour.
4. Neglecting to fence in well, tank, etc.
   Causing offensive matter to run from house, etc.
5. Penalty for cruelty to animals.
6. [REPEALED.]
7. [REPEALED.]
8. Power to arrest without warrant on view of offence.
9. [REPEALED.]
10. Destruction of stray dogs.
11. Act to form part of District Police Act.

SCHEDULE [REPEALED].

MADRAS ACT No. III OF 1889.[1]

[THE MADRAS TOWNS NUISANCES ACT, 1889.]

[16*th November* 1889 ; 23*rd December* 1889.]

An Act to provide for the Prevention and Control of Nuisances outside the Town of Madras.

WHEREAS it is expedient to amend Act XXIV of 1859 [2] and to consolidate and improve the law relating to nuisances in places outside the Town of Madras : It is hereby enacted as follows :— Preamble.

1. (1) This Act may be called the [3] [Madras] Towns Nuisances Act, 1889. Short title.

(2) [4] [Section 1 of this Act extends *] to the whole of the Presidency of Fort St. George. The remaining sections extend to all towns in the said Presidency which may have been or may hereafter be declared to be municipalities under Madras Act IV of 1884,[5] or other Act of the same nature for the time being in force ; and the [6] [State Government] may from time to time by notification in the [7] [Official Gazette], extend such sections or any part or parts thereof permanently or for a time or for specified occasions only, from such date as may be specified in the notification, to any other local area in the Presidency of Fort St. George, outside the limits of the Town of Madras, and may cancel or modify any such notification. Local extent.

2. [*Enactments repealed.*] *Repealed by the Repealing and Amending Act*, 1901 (*Central Act XI of* 1901).

---

[1] For Statement of Objects and Reasons, *see Fort St. George Gazette* Supplement, dated 12th February 1889, page 3, for Report of the Select Committee, *see ibid*, dated 8th October 1889, page 1 ; for Proceedings in Council, *see ibid*, dated 26th March 1889, page 2, and *ibid*, dated 12th November 1889, page 12.

The Act came into force on 1st July 1891.

[2] Short title, " The Madras District Police Act, 1859."

[3] This word was inserted by section 3(1) of, and the Second Schedule to, the Madras Repealing and Amending Act, 1951 (Madras Act XIV of 1951).

[4] This expression was substituted for the expression " Sections 1 and 2 of this Act extend " by *ibid*.

[5] This Act has been repealed and re-enacted in the Madras District Municipalities Act, 1920 (Madras Act V of 1920).

[6] The words " Provincial Government " were substituted for the words " Governor in Council " by the Adaptation Order of 1937 and the word " State " was substituted for " Provincial " by the Adaptation Order of 1950.

[7] These words were substituted for the words " *Fort St. George Gazette* " by the Adaptation Order of 1937.

* The Madras Towns Nuisances Act, 1889 as amended by section 2 of the Madras Towns Nuisances (Amendment and Extension to Pudukkottai) Act, 1951 (Madras Act XXXIV of 1951), was extended to, and will be in force, in the merged territory of Pudukkottai by virtue of section 3 of latter Act.

Penalty for certain offences in public places.

3. Whoever in any [1] [public] place commits any of the following offences shall be liable on conviction to fine not exceeding fifty rupees or to imprisonment of either description not exceeding eight days :—

Rash and negligent driving.

(1) Whoever drives or rides any animal, or drives, drags or pushes any vehicle, in a rash or negligent manner.

Causing obstruction by negligence in driving cattle.

(2) Whoever by negligence or ill-usage in driving cattle causes any mischief or obstruction by such cattle.

Driving, etc., otherwise than on near or left side of the road.

(3) Whoever without reasonable excuse and so as to cause danger or obstruction to any person shall drive, drag or push any vehicle otherwise than on the near or left side of the road.

Leaving vehicle or cattle without due control.

(4) Whoever, being in charge of any vehicle or cattle, leaves it or them at such a distance as not to have the same under due control.

Obstructing thoroughfare.

(5) Whoever causes any vehicle to remain or stand longer than may be necessary for loading or unloading except at places appointed for the purpose, or fastens any horse or other animal so as to cause obstruction or in any way wilfully obstructs or causes obstruction to the free passage of any thoroughfare.

Exposing goods so as to cause obstruction.

(6) Whoever exposes goods for sale so as to cause obstruction.

Letting loose horses or ferocious dogs.

(7) Whoever negligently lets loose any horse or suffers any ferocious dog to be at large without a muzzle or sets on or urges any dog or other animal to attack, worry or put in fear any person or cattle.

[2] [(8) *Repealed.*]

Depositing rubbish, stones, etc.

(9) Whoever without reasonable excuse throws or lays down any dirt, filth, rubbish, or any stones or building materials.

Unauthorized use of sound amplifiers in public

[3] [(10) Whoever uses any sound amplifier except at such times and places and subject to such conditions as shall, from

---

[1] These words were substituted for the words "public street, road, thoroughfare or place of public resort" by section 3 (i) of the Madras City Police and Towns Nuisances (Amendment) Act, 1941 (Madras Act XXIII of 1941). This was permanently re-enacted by section 2 (1) of, and the First Schedule to, the Madras Re-enacting Act, 1949 (Madras Act X of 1949).

[2] Clause (8) was repealed by section 14 of the Madras Prevention of Begging Act, 1945 (Madras Act XIII of 1945). This was permanently re-enacted by section 2 of, and the First Schedule to, the Madras Re-enacting and Repealing (No. I) Act, 1948 (Madras Act VII of 1948).

[3] The original clause (10) was repealed by section 14 of the Madras Gaming Act, 1930 (Madras Act III of 1930) and the present clause was inserted by section 3 of the Madras City Police and Towns Nuisances (Amendment) Act, 1941 (Madras Act XXIII of 1941), re-enacted permanently by section 2 (1) of, and the First Schedule to, the Madras Re-enacting Act, 1949 (Madras Act X of 1949).

time to time, be allowed by an officer of the Police Department [1] (not below the rank of a Deputy Superintendent of Police.)]

Committing nuisances in public place.

(11) Whoever wilfully and indecently exposes his person or commits a nuisance by easing himself, and whoever, having the care or custody of any child under seven years of age, omits to prevent such child from committing a nuisance as aforesaid.

Drunken or riotous disorderly or indecent behaviour.

(12) Whoever is found drunk and incapable of taking care of himself, or is guilty of any riotous, disorderly or indecent behaviour.

[2] [*Explanation.*—In this section "public place" means a place (including a road, street or way, whether a thoroughfare or not, and a landing place) to which the public are granted access or have a right to resort, or over which they have a right to pass.]

[3] [* * * * *]

Neglecting to fence in well, tank, etc.

4. Whoever neglects to fence in or protect any well, tank or other dangerous place or structure, or,

Causing offensive matter to run from house, etc.

whoever causes any offensive matter to run from any house, factory, dung-heap or the like into the street—

shall be liable on conviction to fine not exceeding fifty rupees or to imprisonment of either description which may extend to one month.

Penalty for cruelty to animals.

5. Whoever cruelly beats, ill-treats, tortures, or drives, rides or otherwise uses any animal in an unfit state to be so driven, ridden or used, or causes any animal to be cruelly beaten, ill-treated, tortured, or to be driven, ridden or used when unfit to be driven, ridden or used, shall be liable on conviction to fine not exceeding fifty rupees, or to imprisonment of either description not exceeding one month, or to both.

[4] [**6.** *Repealed.*]

[4] [**7.** *Repealed.*]

Power to arrest without warrant on view of offence.

[5] [**8.** (1)] Any police officer may arrest without a warrant any person committing in his view any offence made punishable by this Act.

---

[1] These words were substituted for the words "not below the rank of a District Superintendent of Police" by section 2 of the Madras Towns Nuisances (Amendment and Extension to Pudukkottai) Act, 1951 (Madras Act XXXIV of 1951).

[2] This Explanation was added by section 3 of the Madras City Police and Towns Nuisances (Amendment) Act, 1941 (Madras Act XXIII of 1941), re-enacted permanently by section 2 (1) of, and the First Schedule to the Madras Re-enacting Act, 1949 (Madras Act X of 1949).

[3] This paragraph was repealed by section 14 of the Madras Gaming Act, 1930 (Madras Act III of 1930).

[4] These sections were repealed by *ibid.*

[5] Original section 8 was renumbered as sub-section (1) of section 8 by section 3 of the Madras City Police, Towns Nuisances and Prevention of Cruelty to Animals (Amendment) Act, 1942 (Madras Act XX of 1942), re-enacted permanently with specified modifications by section 2 (2) of, and the Second Schedule to, the Madras Re-enacting Act, 1949 (Madras Act X of 1949).

[1] [(2) Any agent of the Society for the Prevention of Cruelty to Animals who is specially empowered by the [2] [State] Government in that behalf may arrest without a warrant any person committing in his view any offence punishable under section 5 ;) [3] * * * * *).]

[4] [(3) The agent shall have power to release any person so arrested on his executing a bond, with or without sureties, for his appearance before a Magistrate if and when required.]

[4] [(4) The provisions of the Code of Criminal Procedure, 1898, shall apply to any arrest made or bond taken under this section as if the arrest had been made, or the bond had been taken, under the said Code.] Central Act V of 1898.

[5] [9. *Repealed.*]

Destruction of stray dogs.

10. The District or Subdivisional Magistrate may from time to time cause to be notified by beat of drum or otherwise that dogs found straying within certain limits will be destroyed, and dogs found straying within such limits after such notification may be destroyed by any person in such manner as the District or Subdivisional Magistrate may from time to time direct.

Act to form part of District-Police Act.

11. Sections 3 and 4 of this Act shall be read with, and form part of, Act XXIV of 1859. [6]

[7] [* * *].

---

[1] This sub-section was added by section 3 of the Madras City Police, Town Nuisances and Prevention of Cruelty to Animals (Amendment) Act, 1942 (Madras Act XX of 1942), re-enacted permanently with specified modifications by section 2 (2) of, and the second schedule to the Madras Re-enacting Act, 1949 (MadrasAct X of 1949).

[2] This word was substituted for the word "Provincial" by the Adaptation Order of 1950.

[3] The words "and the provisions of the Code of Criminal Procedure, 1898, shall apply to an arrest made by such agent as if it had been made by a Police officer" were omitted by the Second Schedule to the Madras Re-enacting Act, 1949 (Madras Act X of 1949).

[4] Sub-sections (3) and (4) were inserted by *ibid.*

[5] The section was repealed by section 14 of the Madras Gaming Act, 1930) Madras Act III of 1930).

[6] Short title, "The Madras District Police Act, 1859."

[7] The schedule appended to this Act was repealed by the Repealing and Amending Act, 1901 (Central Act XI of 1901). *See* the Third Schedule, Part III.